COUNTY BOARD OF APPEALS

BALTIMORE COUNTY CASE NO. 89-76-SPHA

OPINI<u>ON</u>

* * * * * * * *

This case comes before this Board on appeal from a decision of the Deputy Zoning Commissioner granting the Petition for a Nonconforming Use of an apartment over a garage in a commercially zoned property and variances to allow the existing buildings to remain.

Testimony and evidence presented to the Board came basically from stipulations agreed to by all parties. It was stipulated that the continuous use of the apartment predated 1945 with no significant interruptions in its occupancy. In addition to the stipulations, Wallace S. Lippincott, Jr., the Community Flanner for this area of the County testified that he had participated in meetings on the site in which an acceptable landscape plan was proposed and that the Planning Department was in favor of granting these two Fetitions. After consideration of the testimony and evidence presented both by stipulation and by witness, the Board is of the opinion that the Findings of Fact and Conclusions of Law and resulting Order by the Deputy Zoning Commissioner are proper and will be incorporated as a part of this Order with one additional restriction that the landscape plan as proposed be complied with.

ORDER

It is therefore this 3rd day of May, 1989 by the County Board of Appeals of Baltimore County ORDERED that the Petition for Nonconforming Use

Harold F. Burton, et al

of an apartment over a garage be and the same is GRANTED and that the requested setbacks as described in the Petition be and the same are GRANTED and that in essence the Deputy Zoning Commissioner's Order be incorporated with this Board's Order with the addition of the restriction concerning the landscape plan submitted as Appellee's Exhibit No. 5.

> 1. The granting of the Petitions in this case are contingent upon compliance with the landscaping plan presented as Appellee's Exhibit No. 5.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

> COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE AND ZONING VARIANCE - NW/Corner York Road and Mt. Carmel Road * DEPUTY ZONING COMMISSIONER (17000 York Road) 7th Election District * OF BALTIMORE COUNTY 3rd Councilmanic District * Case No. 89-76-SPHA Harold F. Burton, et al

Petitioners

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to establish the nonconforming use of an apartment over a garage on a commercially zoned property, and variances to permit front yard setbacks of 0 feet and 7.5 feet in lieu of the required 15 feet for an existing dwelling; a side street setback of \hat{u} feet in lieu of the required 10 feet for an existing garage/apartment building; and parking spaces to be located 0 feet from the street right-of-way line in lieu of the required 10 feet, all as more particularly described on Petitioner's Exhibit 1.

The Petitioners, Dr. Harold Burton and Basil M. Burton, appeared, testified and were represented by Jeffrey H. Gray, Esquire. Also appearing on behalf of the Petition were Paul W. Botzler and Emory E. Leight. Appearing as interested parties were Dr. Stanley Cohn and Karen Cohn, adjoining property owners.

Testimony indicated that the subject property, known as 17000 York Road, zoned B.M.-C.R., is improved with a two-story stucco dwelling to the front of the property which has existed for approximately 175 years, and in the rear, a two-story concrete block garage which was constructed in approximately 1940.

Testimony indicated that the subject property has been in the Burton family since approximately 1920 and that Petitioners grew up on the

property. Petitioners testified that since approximately 1940, an apartment has existed on the second floor of the two-story garage to the rear of the property. Emory E. Leight, a resident of the area, verified this fact. To further support the continued use of the garage as an apartment, Petitioners introduced as Petitioner's Exhibit 2, a letter dated June 6. 1988, signed by Donald B. Foster and Gladys Chilcoat, confirming that a one-bedroom residential apartment has existed above the garage located on Mt. Carmel Road to the rear of what is known as 17000 York Road since prior to 1945. Dr. Burton testified that the apartment has been continuously occupied without interruption but for a brief period during a change in tenants, which he does not believe often exceeded a three-day period.

Testimony further indicated that the front yard setback for the main dwelling and the parking variances requested have been necessitated as a result of the use of the property for commercial purposes. Dr. Burton and Mr. Gray indicated that prior to April, 1987 the front property had been used as a residence. Mr. Gray and his family lived in the dwelling while Mr. Gray operated his legal practice from two rooms on the first floor of the main building from April, 1986 to April 1987. In April, 1987, Mr. Gray and his family moved. Testimony indicated the building has become unsuitable for residential purposes due to its being so close to

Mr. Gray continued to use the main structure for his law practice, a use which is permitted in the B.M. zone. However, due to the location of the dwelling on York Road, the requested variances were necessitated. Testimony indicated due to the age, historic value of the subject property and the goal of the surrounding community to promote business and commercial uses in this area, strict compliance with the zoning

regulations would result in unreasonable hardship as the building would have to be torn down. Without the requested variances, the building could not be preserved and used for purposes permitted in the B.M. zone.

Testimony indicated that the parking variance is necessary due to the small size of the lot and the need for parking on-site rather than requesting a variance for the number of parking spaces. Testimony indicated that the State had issued permits and approved the construction of the parking lot 0 feet from the street right-of-way and had approved the ingress and egress to the property. Petitioners contended that to deny the requested variances would result in undue hardship.

Dr. Cohn testified that he agreed to the need of the business and commercial use of the subject property, the preservation of the existing buildings, and the need for on-site parking. He expressed concern as to the lack of comments in the case file from the Baltimore County Health Department and the Department of Environmental Protection and Resource Management (DEPRM) in view of the standards imposed upon him regarding water and sewer requirements for the adjacent property. After the hearing, a request was made of the Bureau of Water Quality and Resource Management, DEPREM, to inspect the subject property and determine if any specific requirements should be imposed. Gerald Zitnik, Supervisor, Water and Sewer, DEPREM, indicated no specific requirements need be imposed as the water or sewer conditions of this property are satisfactory.

Peti+ioners seek relief from Section 104.1, pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) requesting that a determination be made that a nonconforming use of an apartment over the garage on commercially zoned property exists.

The uncontradicted evidence submitted by Petitioners' witnesses clearly established that the use of the apartment over the garage located to the rear of 17000 York Road has been continuous and without interruption since prior to the zoning becoming effective in 1945.

Further, Petitioners seek relief from Sections 235.1, 235.2, and 409.8A.4 pursuant to Section 307 of the B.C.Z.R.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must mee, the following:

> whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances are granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

After due consideration of the testimony and evidence presented, the Petitions for Special Hearing and Variances should be granted.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS, ORDERED by the Deputy Zoning Commissioner for Baltimore County this _____day of October, 1988 that the nonconforming use of an apartment over a garage on a commercially zoned property, and front yard setbacks of 0 feet and 7.5 feet in lieu of the required 15 feet for the existing dwelling; a side street setback of 0 feet in lieu of the required 10 feet for the garage/apartment building; and parking spaces to be located 0 feet from the street right-of-way line in lieu of the required 10 feet, in accordance with Petitioner's Exhibit 1, be approved, and as such, the Petitions for Special Hearing and Zoning Variance are hereby GRANTED, subject, however, to the following restrictions:

> 1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

> > a H Nosterania ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

Exitimore County -Zining Cimmissioner - Office of Planning & Zoning Towson, Maryland 21204 4, 4,05,00 J. Rebert Haines ್ಕೆ ಗಡ್ಡ ಲಿಡಗಡಲ್ಗಳ

October 19, 1935

Jeffrey H. Gray, Esquire 17000 York Road Monkton, Maryland 21111-0051

RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE NW/Corner York Road and Mt. Carmel Road (17000 York Road) 7th Election District - 3rd Councilmanic District Harold F. Burton, et al - Petitioners Case No. 89-76-SPHA

Dear Mr. Gray:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Zoning Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

(1 M. Nostenowie ANN M. NASTARGWICZ Deputy Zoning Commissioner

Dennis F. Rasmussen

AMN:bjs

cc: Dr. & Mrs. Stanley Cohn 18749 Spooks Hill Road Parkton, Maryland 21120

People's Counsel

File

AMN:bis

for Baltimore County

Dennis F. Rasmussen

NOTICE OF REASSIGNMENT

CASE NUMBER: 89-76-5PHA NU/C York Road and Mt. Carmel Road

(17000 York Road) 7th Election District - 3rd Councilmania Petitioner(s): Harold F. Burton, et ux

which had been assigned for hearing on Wednesday, September 21, 1988 has beer changed to a later date and has been

REASSIGNED FOR:

TUESDAY, GCTOBER 11, 1988 at ____10:30 a.m.

cc: Mr. & Mrs. Harold F. Burton Jeffrey H. Gray, Esq. File

Mr. & Mrs. Harold F. Burton 2100 Dalewood Court Lutherville, Maryland 21093

Re: Petitions for Special Hearing and Zoning Variance EASE NUMBER: 89-76-SPHA NW/C York Road and Mt. Carmel Road (17000 York Road)

7th Election District - 3rd Councilmanic

HEARING SCHEDULED: WEDNESDAY, SEPTEMBER 21, 1988 at 10:00 a.m PP to 10/11/48 at 11:304. Dear Mr. & Mrs. Burton:

Please be advised that $\frac{9149.38}{1}$ is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT	No. 509017	nd post set(s), ther or each set not
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JOHN DEW . REGISTERED LAND SURVEYOR . 16350 MATTHEWS RD.,

June 6. 1988

DESCRIPTION TO ACCOMPANY PETITION FOR SPECIAL HEARING AND VARIANCE TO ZONING, BURTON FROFERTY, 17000 YORK ROAD, TTH ELECTION LICTRICT. BALTIMORE COUNTY, MARYLAND

Beginning for the same at the northwesternmost corner of Your moad. (Md. Rte. No.⊶5), és teet wide, and Mount Carmer Road, (No. Ate.) No.187) or which the right-orrway width is unknown, and thense binding on the southernmost line of the Burton property North for begrees up minutes Od seconds west 199.37 feet on or along sald Mount Taimer Road to the easternacst side of Green Alien: thence binding on the easternmost side of said Green Aller and on the RO-6 Dine, worth OD degrees wi minutes it seronds west labed feet; thenle wereing soid Green Alley and binding on the mosthernmost line of said burton Froperty and on the 62 Zone Scoth 69 degrees 64 minutes in sections 64199.55 teet to the westernmost side of said York Road: Thence binting on the westernmost side of said York Rose South Go degrees 17 minutes GB seconds East 30.00 feet to the place of neginalog.

Containing C.1871 Aires of Land. more or less, (5978 sq.17.



#444

89-76-5PHA CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

Date of Posting Siptember 12 1988 Location of property: nW/C Hick Road and Mt. Carwel Road Location of Signer In front of 17000 york Road

Posted by S.J. Arata Date of return September 30, 1988

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 194-3353 J. Robert Haines

Zening Commissioner

July 28, 1988

NOTICE OF HEARING



Dennis F. Rasmussen

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

> Petitions for Special Hearing and Zoning Variance CASE NUMBER: 89-76-SPHA NW/C York Road and Mt. Carmel Road (17000 York Road) 7th Election District - 3rd Councilmanic Petitioner(s): Harold F. Burton, et ux HEARING SCHEDULED: WEDNESDAY, SEPTEMBER 21, 1988 at 10:00 a.m.

Variance to permit a front yard setback of zero feet on 17000 York Road and 5.7 feet on the garage/apartment, both in lieu of the required 15 feet and to permit York Road and to permit parking spaces to be located zero feet from the street right of way line in lieu of the required 10 feet. Special Hearing: To establish the nonconforming use of an apartment over the garage on a commercially zoned

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES Zoning Commissioner of Baltimore County

co: Harold F. Burton, et ux Teffrey H. Gray, Esq. File

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER PETITION FOR VARIANCES NW Corner York Rd. and Mt. Carmel OF BALTIMORE COUNTY Rd. (17000 York Rd.), 7th Dist.

Case No. 89-76-SPHA HAROLD F. BURTON, et ux, Petitioner

> :::::: ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

> Phyllis Cole Friedman People's Counsel for Baltimore County

Peter Max Zimmerman Deputy People's Counsel Room 304, County Office Building Towson, Maryland 21204 494-2188

I HEREBY CERTIFY that on this 11th day of August, 1988, a copy of the foregoing Entry of Appearance was mailed to Jeffrey H. Gray, Esquire, 17000 York Rd., P.O. Box 51, Monkton, MD 21111-0051, Attorney for Petitioner.

CERTIFICATE OF PUBLICATION

TOWSON, MD., 19____ THIS IS TO CERTIFY, that the annexed advertisement was

published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of successive

SALES & LEGAL NOTICES

NOTICE OF HEARING

THE JEFFERSONIAN,

5. Zefe Orland

NOTICE OF HEARING Baltimore County by authority of the Zoning Act and Regulations of Baltimore County will hold a THIS IS TO CERTIFY, that the annexed advertisement was public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W Chesapeake Avenue in Towson, Maryland as folpublished in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ____ successive Petitions for Special Hearing weeks, the first publication appearing on _______, 19 ____

parking spaces to be located zero leet from the street right of way kne in heu of the required 10 feet.

Special Hearing: To establish
the inchconforming use of an commercially zoned property.
In the event that this Petition is appeal period. The Zoning Con-missioner will, however, entertain any request for a stay of the ispenod for good cause shown.
Such request disust be in writing and received in this office by the

tate of the hearing set above or J ROBERT HAINES Zoning Commissioner

T 327 Aug 24

Petitioner(5): Haroid F. Burton, et ux

Hearing Date: Wednesday, Sept. 21, 1988 at 10:00 a.m.

Variance to permit a front yard

settack of zero feet on 17000 York Road and 5.7 feet on the garage apartment, both in lieu of the required 15 feet and to permit

a side street setback of zero feet

in lieu of the required 10 feet for 17000 York Road and to permit

CERTIFICATE OF PUBLICATION

TOWSON TIMES.

N3/0000 5x6 -(מפתפת) GREEN ALLEY M/E1-17:2011 3.20 F1.802 D FRONT SSTBACK 27.218 MA. RAS. M8 X. 1 YORK ROAD

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353

J. Robert Haines

November 22, 1988



Baltimore County Board of Appeals County Office Building, Room 315 Towson, Maryland 21204

RE: Petition for Special Hearing & Variance NW/Corner York Road and Mt. Carmel Road (17000 York Road) 7th Election District, 3rd Councilmanic District HAROLD F. BURTON, ET AL - Petitioner Case No. 89-76-SPHA

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on October 25, 1988 by Phyllis Cole Friedman and Peter Max Zimmerman, People's Counsel. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Zoning Commissioner

Enclosures

cc: Mr. & Mrs. Harold F. Burton 2100 Dalewood Court, Lutherville, Md. 21093 Jeffrey H. Gray, 17000 York Road, Monkton, Md. 21111-0051

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER PETITION FOR VARIANCE WW Corner York & Mt. Carmel Rds.: OF BALTIMORE COUNTY (17000 York Rd.), 7th Election

HAROLD F. BURTON, et al., : Case No. 89-76-SPHA Petitioners

Dist.; 3rd Councilmanic Dist. :

:::::: NOTICE OF APPEAL

Please note an appeal from your decision in the above-captioned matter, under date of October 19, 1988, to the County Board of Appeals and forward all papers in connection therewith to the Board for hearing.

> Total or the Profit of Marine Phyllis Cole Friedman People's Counsel for Baltimore County

Peter Max Zimmerman Deputy People's Counsel Room 304, County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204 494-2188

I HEREBY CERTIFY that on this 26th of October, 1988, a copy of the foregoing Notice of Appeal was mailed to Jeffrey H. Gray, Esquire, 17000 York Rd., P.O. Box 51, Monkton, MD 21111-0051, Attorney for Petitioner.

> The state of the s Peter Max Zimmerman





County Board of Appeals of Baltimore County COUNTY OFFICE BUILDING, ROOM 315

111 W. CHESAPEAKE AVENUE TOWSON, MARYLAND 21204 (301) 887-3180

May 3, 1989

Phyllis C. Friedman, Esquire People's Counsel of Baltimore County County Office Building, Room 304 111 W. Chesapeake Avenue Towson, Maryland 21204

> Re: Case No. 89-76-SPHA Harold F. Burton, et al

Dear Ms. Friedman:

Enclosed is a copy of the final Opinion and Order issued this

date by the County Board of Appeals in the subject case.

Legal Secretary

Enclosure

cc: Mr. and Mrs. Harold F. Burton Jeffrey H. Gray, Esquire Mr. Paul W. Botzler Mr. Emory E. Leight Dr. and Mrs. Stanley Cohn P. David Fields Pat Keller J. Robert Haines Ann M. Nastarowicz James E. Dyer Docket Clerk -Zoning Arnold Jablon, County Attorney

The applicant is requesting a special hearing and variances to legally establish a parking area, and provide for an apartment on the 2nd floor of an accessory structure. Based upon the information provided and analysis conducted, staff provides the following information:

Paul W. Botzler, 1121 Bernouby Road, Whitehall, Md. 21161

Dr. & Mrs. Stanley Cohn, 18749 Spooks Hill Rd., Parkton, Md. 21120

BALTIMORE COUNTY, MARLLAND

INTER-OFFICE CORRESPONDENCE

Emory E. Leight, 17018 York Road, Parkton, Md. 21120

People's Counsel of Baltimore County Rm. 304, County Office Bldg., Towson, Md. 21204

- The office use for 17000 York Road was established through waiver of CRG plan and process (W-87-311) that was approved by the Planning Board on November 19, 1987.

- The property is located on the northwest corner of York Road and Mount Carmel Road in the village of Hereford. This is an extremely busy intersection for this part of the County. The community is trying to address the intersection problems created by traffic at York and Mount Carmel Roads.

- The community of Hereford is currently in the process of developing a Local Area Plan and Rural District designation in accordance with Sections 259.2 and 3 (B.C.Z.R.). One of the major provisions of this designation is the consideration of shared access (259.3, C4.) and parking. The community has been actively working to establish the necessary guidelines and plan for this area.

The Office of Planning and Zoning would discourage direct access from this property onto Mount Carmel Road. Shared access with the adjacent veterinary hospital should be attempted. Staff would be willing to provide any liaison or design assistance required. The Office of Planning is not opposed toothis request provided access onto Mount Carmel Road is eliminated, and shared access with the veterinary clinic is obtained.

PK/sf

Case No. 89-76-SPHA

J. Robert Haines

Pat Keller, Deputy Director

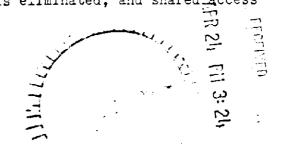
Harold Burton, 17000 York Road

FROM Office of Planning and Zoning

SUBJECT Zoning Petition No. 89-76-SPHA

TO Zoning Commissioner

November 22, 1988



Date April 21, 1989

September 12, 1988

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE Bom) Of Appen S J. Robert Haines

TO__Zoning Commissioner

Pat Keller, Deputy Director

FROM Office of Planning and Zoning Harold Burton, 17000 York Road SUBJECT Zoning Petition No. 89-76-SPHA

The applicant is requesting a special hearing and variances to legally establish a parking area, and provide for an apartment on the 2nd floor of an accessory structure. Based upon the information provided and analysis conducted, staff provides the following information:

• Shared access as requested in the September 12, 1988 comment is not

• The apartment located on this property provides for affordable housing which is a need for the County at large.

• The applicant has worked closely with this office to revise the site plan per landscape improvements.

The Office of Planning and Zoning supports this project and recommends approval of the variances requested.

PK/sf

1/26/89 -Following notified of hearing set for Tuesday, April 25, 1989 at 10:00 a.m.

M/M H. Burton J. H. Gray, Esq. P. W. Botzler E. E. Leights Dr /Wrs S. Cohn Fields Keller Haines Mastarowicz Docket Clk Jablon

Petition for Special Hearing & Variance NW/Corner York Road & Mt. Carmel Road (17000 York Road) 7th Election District - Ind Councilmanic District HAROLD F. BURTON, ET AL - Petitioner Case No. 89-76-SPHA

Petition for Special Hearing & Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments (None submitted)

Petitioner's Exhibits: 1. Plat to accompany Petition

2. Confirmation Letter from Donald Foster and Gladys Chilcoat

Zoning Commissioner's Order dated October 19, 1988 (Granted with

restrictions) Notice of Appeal received October 25, 1988 from People's Counsel

cc: Mr. & Mrs. Harold F. Burton 2100 Dalewood Court, Lutherville, Md. 21093

Jeffrey H. Gray, 17000 York Road, Monkton, Md. 21111-0051

Paul W. Botzler, 1121 Bernouby Road, Whitehall, Md. 21161

Emory E. Leight, 17018 York Road, Parkton, Md. 21120

Dr. & Mrs. Stanley Cohn, 18749 Spooks Hill Rd., Parkton, Md. 21120

People's Counsel of Baltimore County Rm. 304, County Office Bidg., Towson, Md. 21204

People's Counsel of Baltimore County

Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning Patrick Keller, Office of Planning & Zoning

J. Robert Haines, Zoning Commissioner Ann M. Nastarowicz, Deputy Zoning Commissioner James E. Dyer, Zoning Supervisor Docket Clark

000 HAROLD PROPOS BU

BALTIMORE PROPERTY SCAPE PLAN

Ratimere County Zoning Commissioner Office of Planning & Zoning Tewson, Maryland 21264 494 3533 A. Robert Haires

November 22, 1988



Baltimore County Board of Appeals County Office Building, Room 315 Towson, Maryland 21204

Case No. 89-76-SPHA

RE: Petition for Special Hearing & Variance NW/Corner York Road and Mt. Carmel Road (17000 York Road) 7th Election District, 3rd Councilmanic District HAROLD F. BURTON, ET AL - Petitioner

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on October 25, 1988 by Phyllis Cole Friedman and Peter Max Zimmerman, People's Counsel. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

> , / J. ROBERT HAINES Zoning Commissioner

JRH:cer

Enclosures

cc: Mr. & Mrs. Harold F. Burton 2100 Dalewood Court, Lutherville, Md. 21093 Jeffrey H. Gray, 17000 York Road, Monkton, Md. 21111-0051

PETITIONER(S) SIGN-IN SHEET PLEASE PRINT CLEARLY

NAME	
DR. HARREND BURTIN	21
Paul W. BOTZLER	1121
Enery E. LEIGHT	<u>1701</u>
Basel M. Burton	319
Joseph Il Gray BSC.	1101

100 DALENCOD CT. 2093 FERNOUSY RD, WHITEHALL MD ZING! 18 yer K ROAD PARKTON MD 21120 9 Ovaller Ridge Timenium 21093

PLFASE PRINT CLFARLY

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NAME)	ADDRESS
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CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

7.4/	· · · · · · · · · · · · · · · · · · ·
District Tt/2	Date of Posting 12-7-88
Posted for: Apple	
Petitioner Harred 7 Burt	
Location of property: NW Corner of	York Rost and Byt Carmel 11
(17 000 Hosh Pine)	•
Location of Signs: Use front of	1 17000 York Rosa
	-
Remarks:	
Posted by I. I auta	Date of return: 12-9-P8
Signature	Dette de Perturit
Number of Signs:	

89-75-SPHA

COUNTY OFFICE BLDG.

MEMBERS

Bureau of

Bureau of

Industrial

Engineering

Department of

Fire Prevention

Health Department

Project Planning

Building Department

Board of Education Zoning Administration

Traffic Engineering

State Roads Commission

111 W. Chesapeake Ave. Towson, Maryland 21204

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this ______ day of ______, 198 .

September 15, 1988

Petition for Zoning Variance and Special Hearing

Petitioner mand F Burton, et ux Chairman, Zoning Plans Petitioner's Advisory Committee Attorney Jeffrey H. Gray

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

RE: Item No. 444 - Case No. 89-76-SPHA

Petitioner: Harold F. Burton, et ux

The Zoning Plans Advisory Committee has reviewed the plans

submitted with the above referenced petition. The following

comments are not intended to indicate the appropriateness of the

zoning action requested, but to assure that all parties are made

aware of plans or problems with regard to the development plans

that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with

Enclosed are all comments submitted from the members of the

Committee at this time that offer or request information on your

petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed

Very truly yours,

JAMES E. DYER J'/de

Zoning Plans Advisory Committee

filing certificate and a hearing scheduled accordingly.

recommendations as to the suitability of the requested zoning.

Jeffrey H. Gray, Esquire

Dear Mr. Gray:

JED:dt

17000 York Road, P.O. Box 51 Monkton, Maryland 21111-0051

89-76-5PHA

Maryland Department of Transportation State Highway Administration

June 27, 1988

Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

Re: Baltimore County Harold F. Burton Property Zoning Meeting of 6-21-88 N/W/C of York Road Maryland Route 45 & Mt. Carmel Road Maryland Route 137 (Item #444)

Dear Mr. Haines:

After reviewing the submittal for a special hearing to establish the nonconforming use of an apartment over the garage on a commercially zoned property, the State Highway Administration - Bureau of Engineering Access Permits finds the plan acceptable with all highway work being completed under the existing access permit on file in this office.

If you have any questions, please contact Larry Brocato of

Very truly yours,

Custon mille 1. In. Creston J. Mills, Jr., Chief Bureau of Engineering Access Permits

LB:maw

cc: Mr. J. Ogle

My telephone number is (301) 333-1350 Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

Richard H. Trainor Secretary Hal Kassoff

Towson, Maryland 21204-2586 Paul H. Reincke June 21, 1988 J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building

Baltimore County

Fire Department

Towson, MD 21204

Dennis F. Rasmussen

Re: Property Owner: Harold F. Burton, et ux Location: NW/c York Road, & Mt. Carmel Road

Item No.: 444 Zoning Agenda: Meeting of 6/21/88

Gentlemen: Pursuant to your request, the referenced property has been surveyed by this

Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property. () 1. Fire hydrants for the referenced property are remained and small be located at intervals or ____ feet along an approved road in accurdance with Baltimore County Standards as published by the bepartment

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

($_{
m X}$) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition

() f. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

/jl

Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204

July 18, 1988

Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204 Dear Mr. Haines:

The Eureau of Traffic Engineering has no comments for items number 391, 413, 438, 439, 442, 443, 444, 446, 447, 448, 450, 451, 452, 453, 454, 455, 456, and 457.

> Very truly yours, Stephen E. Weber, P.E. Assistant Traffic Engineer

SEW/RF/cps

TO WHOM IT MAY CONCERN:

We the undersigned have been residing in the community of Hereford, Baltimore County since before World War II. We confirm that a one bedroom residential apartment has existed prior to 1945 above a garage located on Mt. Carmel Rd. to the rear of what is now 17000 York Rd. Monkton, MD 21111, known as the Edmund M. and Olive L. Burton property.

Dono & Birton Sould B Hotel Bladge Chiesant

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June 6, 1988